

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.* State Engineer,  
Plaintiff,

69cv07896-BB  
RIO TAOS ADJUDICATION

- v -

EDUARDO ABEYTA, *et al.* &  
CELSO ARELLANO, *et al.*,  
Defendants.

69cv07939-BB  
RIO HONDO ADJUDICATION  
Consolidated

Section: Rio Pueblo de Taos  
Ditch: McClure Ditch

ORDER APPLYING PRIORITY DATE FOR  
MCCLURE DITCH TO INDIVIDUAL SUBFILES

In the May 13, 2002 Memorandum Opinion and Order (Docket No. 3026), the Court clarified procedures for determining subfile priority dates and stated that acequia-wide priority dates are to be applied to the water rights they serve. Each claimant has had an opportunity to prove an earlier priority date during the subfile phase and objectors will have the opportunity to prove later priority dates during the *inter se* phase. (No. 3026) On February 19, 2004, the Court entered a Memorandum Opinion and Order (No. 4419) that adopted a priority date of 1800 for the McClure Ditch.

This Order applies the priority date adopted for the McClure Ditch to each subfile irrigation water right it serves. The acequia-wide priority date does not apply to supplemental irrigation wells or springs, nor does it apply to individual subfile water rights previously denied by the Court. All water right claims denied have a priority date of "None." Subfile priority dates are listed in Exhibit A attached to this Order.

It is therefore ordered that the 1800 priority date adopted for McClure Ditch is applied to individual subfile water rights as set forth in Exhibit A.



BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE

**EXHIBIT A**  
**MCCLURE DITCH**

<b>Individual Subfile Priority Dates</b>	
<b>Subfile Number</b>	<b>Priority Date</b>
13.35	1800
13.36	1800
13.37	1800
13.38	1800
13.38A	1800
13.39	1800
13.40	1800
13.41	1800
13.41A	1800
13.41B	1800
13.41C	1800
13.41D	1800
13.41E	1800
13.42	1800
13.43	1800
13.43A	1800
13.44	1800
13.45	1800
13.45A	1800
13.46	1800
13.46A	1800
13.47	1800
13.48	1800